

## **REMARKS**

Claims 1-30 are currently pending in the patent application. The Examiner has rejected all of the claims under 35 USC 101 as being directed to non-statutory subject matter. Applicants respectfully disagree with the Examiner's conclusion that all of the pending claims are directed to a "program product comprising computer readable program code". First, Applicants point out that only Claims 1-11 and 30 recite an article of manufacture in computer readable form comprising stored code for implementing the inventive method. Moreover, the invention does define functional interrelationships between the computer application and other claimed elements of a computer which permit the computer application's functionality to be realized. Specifically, the method steps allow a meeting instance to be generated and to be made accessible to a user at a user information processing device. Moreover, the method additionally allows user input or user activity to be monitored and to be graphically displayed or graphically represented by indicators for accessing a display at user locations so that all meeting participants can view the meeting status and any other user input or activity relative to the

meeting. Clearly the creating of a meeting instance, the displaying of a graphical representation of a meeting instance to at least one user at a remote user information processing device, the monitoring of user input or activity, and the updating of the representation of the meeting instance to reflect user input or activity produce a tangible result of a display of a meeting instance at user locations. As such, Applicants argue that the program storage device claims (Claims 1-11 and 30) and the method claims (Claims 16-26 and 27-29) recite statutory subject matter. Applicants further contend that the additional claims directed to a system (Claim 12-15) are clearly reciting statutory subject matter including a database, a server and a GUI at a user location.

The Examiner has newly rejected Claims 1-30 under 35 USC 103 as unpatentable over the teachings of the Vogt patent publication. The Vogt patent publication is directed to a system wherein a client server system "provides a virtual meeting place for a learning community and a structure through which that community can achieve its goals". What Vogt provides is a community bulletin board for users/members of the community to post their profiles (paragraph [0032]) and input on subjects selected by the facilitator (paragraphs [0031] and [0033]). Users

can input climate, or mood, information on various subject areas and the facilitators review the climate information as necessary to identify any problems requiring correction (paragraph [0035]). Further, users can enter a "chat room" to directly correspond with each other.

Applicants respectfully assert that the Vogt bulletin board and chat room teachings do not obviate the invention as claimed. The Vogt method does not automatically create an instance of an online meeting, the instance including meeting phases. Rather, Vogt requires a human facilitator to input content to a bulletin board and invite users to access the bulletin board. Further, Vogt does not automatically create an agenda of meeting phases. Rather, Vogt's human facilitator or convener predetermines the activities for a posting (paragraph [0023]). Applicants further aver that Vogt does not make the online meeting instance available to a plurality of users each at a user information processing device. Rather, Vogt has invited users log onto a server-hosted site. Applicants further assert that the Vogt system and method does not depict received user input in a graphical representation including a set of objects for showing updated meeting information. The cited paragraph [0034] teaches a "relationship status graph" which includes information about user communications

which include a certain number of words. Clearly Vogt is not teaching depicting any received user input in a graphical representation. Finally, Applicants assert that Vogt does not teach or suggest forwarding a generated representation to at least one user for display and user access at the user information processing device. Vogt's system simply posts information to the bulletin board.

For a determination of obviousness, the prior art must teach or suggest all of the claim limitations. "All words in a claim must be considered in judging the patentability of that claim against the prior art" (In re Wilson, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970)). If the cited references fail to teach each and every one of the claim limitations, a *prima facie* case of obviousness has not been established by the Examiner. The Federal Circuit has further stated that a *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. In re Bell, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). A proper *prima facie* case of obviousness cannot be established by combining the teachings of the prior art absent some teaching, incentive, or suggestion supporting the

combination. In re Napier, 55 F.3d 610, 613, 34 U.S.P.Q.2d 1782, 1784 (Fed. Cir. 1995); In re Bond, 910 F.2d 831, 834, 15 U.S.P.Q.2d 1566, 1568 (Fed. Cir. 1990). Since the Vogt patent publication does not teach or suggest all of the claim features, it cannot be concluded that the claims are obviated by Vogt.

Based on the foregoing amendments and remarks, Applicants request withdrawal of the rejections, and issuance of the claims.

Respectfully submitted,

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